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Sean D. Monahan

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MIRUS CORPORATION  
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EXAMINER

CHONG, KIMBERLY

ART UNIT

PAPER NUMBER

1635

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

***Notice of Non-responsive Amendment***

The amendment filed on 03/09/2009 amending all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the claims are now drawn to a process for delivering a RNA to a cell instead of the previous invention of a composition comprising a modified RNA. The claims drawn to a process for delivering a RNA were withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention after Applicant's election without traverse of the claims drawn a composition comprising a modified RNA in the reply filed 04/26/2005.

As such, the amended claims have not been entered.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Chong whose telephone number is 571-272-3111. The examiner can normally be reached Monday thru Friday between 7-4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James (Doug) Schultz can be reached at 571-272-0763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1635

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/Kimberly Chong/  
Primary Examiner  
Art Unit 1635